

## REMARKS

As a preliminary matter, Applicant and undersigned both appreciate Examiner Price's helpfulness and willingness to meet with the undersigned attorney and Mr. Edward G. Bounds, Jr. on August 20, 2002. The discussion during the office interview involved making changes to the claims directed to the features of the invention. The following remarks include a summary of the discussions that occurred during the interview.

### AMENDMENTS TO THE CLAIMS

The claims have been renumbered to reflect the independent status of this application apart from its birth as a divisional application from U.S. Patent application No. 09/009,234 filed January 20, 1998 which is now U.S. Patent No. 6,240,877. The independent claim number in the dependent claims has also been changed to reflect the renumbering.

Renumbered claims 1 and 2 were rejected under 35 U.S.C. 102(e) as being anticipated by Tolhoff et al '394. Renumbered claims 3 and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tolhoff et al.

Tolhoff et al teaches a solid puncture needle positioned axially down the length of the catheter. It is used to stiffen the catheter sufficiently to allow penetration. This solid puncture needle is removed from the catheter after penetration is achieved leaving the remaining catheter which has an opening for

fluid disbursement along the longitudinal axis. Typically, needles utilized for injection of fluids have an opening at the distal end. This allows fluid to be disbursed from the distal end of the needle along the longitudinal axis, a desired direction of flow for multiple reasons in the medical field.

These needles differ markedly from the needle of the present invention where the opening extends radially from the longitudinal axis. The radial opening allows the fluid to exit the needle from the side minimizing the potential for injury to the embryo. Thus, renumbered claim 1 has been amended to clarify the differences between the claimed needle and prior art, particularly in the medical field.

Renumbered claim 3 has also been amended to reflect the differences in the present invention as compared to prior art.

New claim Number 5 has been added to reflect the possibility of more than one radial opening adjacent to the closed distal end of the needle. This is supported by the specification on page 17, line 22 which states, "The needle tip is beveled and plugged as high as the bottom of one or more radial outlet ports ..."

Thus, with the current amendments to the claims which delineate and clarify the differences between the claimed needle and the prior art, it is believed by the undersigned that these claims would now be allowable.

## CLAIMS

### Version with markings to show changes made

1. (renumbered and once amended) A needle for use in injecting eggs with fluid substances [, the needle] comprising:  
[a beveled, solid tip for penetration of the egg shell, and a radial opening adjacent the tip for delivery of fluid.]

(a) a hollow interior;

(b) a longitudinal axis;

(c) a closed distal end;

(d) an opening adjacent to said closed distal end which extends radially outward from said longitudinal axis and is in fluid communication with said hollow interior,  
wherein the needle is adapted to penetrate an egg without causing fissures to the shell and capable of depositing fluid inside the egg without injury to any internal components of the egg.

2. (renumbered) A needle as recited in claim [17] 1, wherein the needle tip is coated with titanium.

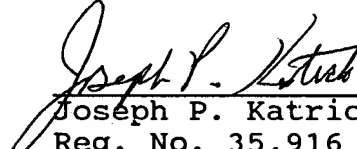
3. (renumbered) A needle as recited in claim [17] 1, wherein the needle tip is beveled at an angle from [about 20] 0 degrees to about 45 degrees.

4. (renumbered) A needle as recited in claim [17] 1, wherein the needle thickness is from about 20 gauge to about 12 gauge.

5. A needle as recited in claim 1, wherein the needle has multiple radial outlet openings adjacent to said closed distal end.

Applicant hereby requests further examination and reconsideration of the application, in view of the foregoing amendments.

Respectfully submitted,

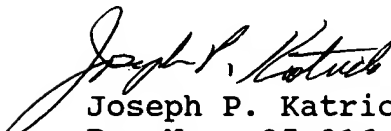
  
\_\_\_\_\_  
Joseph P. Katrick  
Reg. No. 35,916  
Attorney for Applicant

Joseph P. Katrick, Esq.  
5814 Ebenezer Road  
White Marsh, Maryland 21162-1936  
(410) 335-7507

cell 443-829 4848

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on September 16, 2002.

  
Joseph P. Katrick  
Reg No.: 35,916  
Date: September 16, 2002